

### **R E M A R K S**

Entry of this Amendment and reconsideration of this application as amended are respectfully requested.

Claims 1-63 and new claims 64 and 65 are pending in this application. Claims 1-63 are rejected. Claims 1, 2, 6, 9, 11, 16, 19, 39, 40, 48 and 56 are amended herein to clarify the embodiments of the invention set forth therein.

### **INFORMATION DISCLOSURE STATEMENT**

An Information Disclosure Statement is submitted herewith listing references made of record for related applications including those mentioned in the specification at page 1, lines 7-11. Consideration of the references is respectfully requested. It is requested that the Examiner return initialed copies of the forms PTO/SB/08A to confirm that the references listed therein have been considered and made of record.

A form 2038 is enclosed to cover the USPTO fee of \$180.00 for submission of an Information Disclosure Statement at this stage of prosecution.

### **SPECIFICATION**

The specification is amended herein to correct the description of Fig. 1, refer to a switch 66 shown in Figs. 1 and 2 as originally filed and describe a conventional use of the tie

226 and clasp 228 shown in Figs. 14-16. No new matter is added by the changes to the specification.

#### DRAWINGS

Applicant acknowledges receipt of the Official Draftsperson's (PTO-948) objections to the drawings. Formal drawings for this application will be supplied shortly.

#### DOUBLE PATENTING REJECTION

Claims 1-63 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 10-14, 35-46, 56-64, 72, 80 and 82 of U.S. Patent No. 6,612,099.

A Terminal Disclaimer is submitted herewith to overcome this rejection. A form 2038 is enclosed to cover the USPTO fee of \$55.00 for submission of a Terminal Disclaimer, applicant qualifying for small entity status.

#### CLAIM REJECTIONS-35 U.S.C. §112

Claims 1, 48 and 53 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement (although claim 53 was rejected, it is assumed that the Examiner intended independent claim 56). The Examiner states that the

specification and drawings do not disclose a rotation mechanism that directly rotates a quantity of waste while the rotational movement of the retention mechanism which holds the waste is not set forth.

The Examiner's rejection is respectfully traversed in view of amendments to claims 1, 48 and 56.

Claims 1, 48 and 56 are amended to recite that the rotation mechanism is coupled to the retention mechanism and "arranged to rotate said retention mechanism, and thus the quantity of waste when received in a length of said tubing and held by said retention mechanism, while said cartridge is stationary" in order to twist the tubing and enclose the held quantity of waste in the length of the tubing. A rotation mechanism which rotates a retention mechanism, while it retains a quantity of waste contained in a length of flexible tubing, is disclosed in the specification and drawings.

In view of the changes to claims 1, 48 and 56, it is respectfully submitted that the Examiner's rejection of these claims under 35 U.S.C. §112, first paragraph, has been overcome and should be removed.

Claims 1-8, 14-31, 34-50, 56-59, 61 and 63 are rejected under 35 U.S.C. §112, second paragraph. The Examiner states that claims 1, 48 and 56 lack a structural/functional relationship between the retention mechanism and the rotation mechanism.

The Examiner's rejection is respectfully traversed in view of amendments to claims 1, 48 and 56. As noted above, claims 1, 48 and 56 are amended to recite that the rotation mechanism is "coupled to said retention mechanism and arranged to rotate said retention mechanism" and thus the quantity of waste when received in a length of the tubing and held by the retention mechanism while the cartridge is stationary. A structural and functional relationship between the rotation mechanism and the retention mechanism is thus now provided in claims 1, 48 and 56.

Claim 16 is also amended to provide proper antecedent basis for the phrase "rotation of said retention mechanism".

In view of the changes to claims 1, 16, 48 and 56, it is respectfully submitted that the Examiner's rejection of claims 1-8, 14-31, 34-50, 56-59, 61 and 63 under 35 U.S.C. §112, second paragraph, has been overcome and should be removed.

#### NEW CLAIMS

Claims 64 and 65 are added and are directed to embodiments similar to those set forth in claims 48 and 56, respectively. However, a cartridge of tubing is not positively claimed.

#### CLAIM FEE

The application was originally filed with 63 claims of which 3 were independent, and the appropriate claim fee was paid

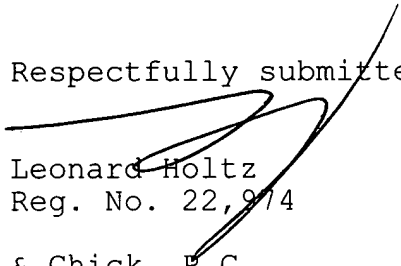
for such claims. The application now contains 65 claims, of which 5 are independent. Accordingly, a form 2038 is attached hereto to cover the additional claim fee in the amount of \$104.00 (small entity) for the addition of 2 extra independent claims and 2 extra claims in total. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

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In view of the foregoing, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
Leonard Holtz  
Reg. No. 22,974

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101

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